

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

K. KABASHA GRIFFIN-EL	:	CIVIL ACTION
a/k/a KEITH FEDELE GRIFFIN,	:	
Plaintiff,	:	
	:	
	:	
v.	:	
	:	
	:	
JEFFREY A. BEARD, et al.,	:	NO. 06-2719
Defendants.	:	

ORDER

AND NOW, this 8th day of June, 2009, upon consideration of the declaration of Jeffrey A. Beard, Ph.D., Secretary of the Pennsylvania Department of Corrections (“DOC”) asserting that the deliberative process privilege applies to certain psychological, psychiatric, counseling or mental health records of the Plaintiff, K. Kabasha Griffin-El (Doc. No. 79), Defendants’ letter brief explaining the legal basis for their assertion of the privilege (Doc. No. 86), Plaintiff’s letter brief in opposition thereto (Doc. No. 85), and the Court’s own independent *in camera* review of the contested documents, it is hereby **ORDERED** that:

1. Defendants’ assertion of the deliberative process privilege over Plaintiff’s mental health records is **DENIED**;
2. Defendants’ request that the Court recognize the documents as privileged under state law is **DENIED**;
3. The contested documents **MUST** be produced;
4. Discovery of these documents is **LIMITED** pursuant to Fed. R. Civ. P. 26(c)(1)(B) and (E) to the following conditions:

- a. Plaintiff's counsel **SHALL NOT** show the documents to Plaintiff.
 - b. Plaintiff's counsel **SHALL NOT** provide copies of the documents to Plaintiff.
 - c. Plaintiff's counsel **SHALL NOT** discuss the contents of the documents with Plaintiff.
 - d. At the completion of this litigation, Plaintiff's counsel **MUST** return these documents to the Department of Corrections.
 - e. This order may be modified at a later date if the circumstances render it appropriate pursuant to Pansy v. Borough of Stroudsburg, 23 F.3d 772, 784 (3d Cir. 1994).
5. Defendants **MUST** produce these documents within **FIVE DAYS** of the entry of this order.
 6. Documents that were not generated at SCI-Graterford **NEED NOT** be produced.

BY THE COURT:

/s/ L. Felipe Restrepo
L. Felipe Restrepo
United States Magistrate Judge